REMARKS

The Official Action mailed October 4, 2004, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to February 4, 2005. Accordingly, the Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statement filed on September 22, 2003. A further Information Disclosure Statement was filed on January 4, 2005. The Applicants respectfully request that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the Information Disclosure Statement filed January 4, 2005.

Claims 1-22 are pending in the present application, of which claims 1-8, 15 and 16 are independent. Independent claims 1-8 have been amended to better recite the features of the present invention, and dependent claims 12 and 20 have been amended to correct minor matters of form. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 4 of the Official Action objects to claims 9-14 and 17-22 as follows:

> Claims 9-14, 17-22 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim ("any one of claims 1 to 8" or "according to claim 15 or 16"). See MPEP § 608.01(n). Accordingly, the claims 9-14 and 17-22 have not been further treated on the merits.

The Applicants disagree with the objections. Claims 9-14 and 17-22 are in proper multiple dependent form in that each of claims 9-14 and 17-22 refers to an earlier claim in the alternative only. The Applicants direct the Examiner's attention to MPEP § 608.01(n), Part I.A, titled "Acceptable Multiple Dependent Claim Wording" (pages 600-75 and 76, Rev. 2, May 2004). Each of the phrases "any one of claims 1 to 8" or "according to claim 15 or 16" refers to an earlier claim in the alternative only and comports with the acceptable examples provided in the MPEP. Therefore, the Applicants respectfully submit that the objection was improper.

Since claims 9-14 and 17-22 were not examined by the Examiner and since the objection was improper for the reasons noted above, the Applicants respectfully submit

that it would not be proper for the Examiner to issue a final Official Action without first examining claims 9-14 and 17-22 on the merits.

Paragraph 6 of the Official Action rejects claims 1, 3, 5-7 and 15 as anticipated by JP 07-321335 to Hideki Uoji. (Although the Official Action refers to JP '335 as "Hideki" or "Kideki," please note that the inventor's surname is Uoji. It appears the Examiner may have been confused by the listing of the inventor's surname first and given name second on page 2 of the English language version of the abstract.) The Applicants respectfully traverse the rejection because the Official Action has not established an anticipation rejection.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Applicants respectfully submit that an anticipation rejection cannot be maintained against the independent claims of the present application. In order to clarify and better recite the features of the present invention, the Applicants have amended independent claims 1-8 as shown above. Independent claims 1-8 recite a light-absorbing layer over a semiconductor layer, and independent claims 15 and 16 recite a light-absorbing layer and an object to be heated between a glass substrate and the light-absorbing layer. Uoji does not teach all the elements of the independent claims, either explicitly or inherently.

The present invention is directed to a method of manufacturing a semiconductor device. In accordance with one preferred embodiment of the invention, as shown, for example, in Figure 1(A), a light-absorbing layer 106 is formed over a semiconductor layer 103. The light-absorbing layer absorbs the irradiated laser light and thus the crystallization of the semiconductor layer can be performed more effectively. For example, please see paragraphs [0014] and [0015], which describe the function of the light-absorbing layer.

The Official Action asserts that Uoji teaches "forming separately island-like light-absorbing layers 105" and "forming a semiconductor layer 103" (page 3, Paper No. 20040925). The Applicants respectfully disagree and traverse the above assertions in the Official Action. Layers 103 and 105 refer to the same feature of the Uoji device in different stages of formation. Specifically, Uoji appears to teach that amorphous silicon film 103 (Figure 1A) is heated to form crystalline silicon film 105 (Figure 1B) (abstract). The amorphous silicon film 103 and the crystalline silicon film 105 cannot be both a light-absorbing layer and a semiconductor layer (or an object to be heated). Therefore, Uoji does not teach a light-absorbing layer over a semiconductor layer or a light-absorbing layer and an object to be heated between a glass substrate and the light-absorbing layer, either explicitly or inherently.

Since Uoji does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Paragraph 8 of the Official Action rejects claims 2, 4, 8 and 16 as obvious based on Uoji. The Applicants respectfully traverse the rejection because the Official Action has not made a *prima facie* case of obviousness.

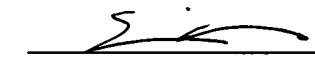
As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Please incorporate the arguments above with respect to the deficiencies in Uoji. Ordinary skill in the art does not cure the deficiencies in Uoji. The Official Action relies on ordinary skill in the art to allegedly teach "that the island-like light-absorbing layers whose transmission factor of pulsed light is 70 percent or less over a glass substrate whose transmission factor of the pulsed light is 70 percent or more" (page 5, Paper No. 20040925). However, Uoji and ordinary skill in the art, either alone or in combination, do not teach or suggest a light-absorbing layer over a semiconductor layer or a light-absorbing layer and an object to be heated between a glass substrate and the light-absorbing layer. Since Uoji and ordinary skill in the art do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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